

EXHIBIT B

FILED
11/9/2023 11:14 AM
Clerk of the Napa Superior Court
By: Lori Walker, Deputy

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Attorney for Defendant
FOLEY FAMILY WINES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF NAPA

IGNACIO GONZALEZ, an individual,

Plaintiff,

-vs.-

FOLEY FAMILY WINES, INC., a Delaware
Corporation,

Defendant.

Case No. 23CV001301

**ANSWER OF DEFENDANT FOLEY
FAMILY WINES, INC. TO PLAINTIFF'S
UNVERIFIED COMPLAINT**

Judge: Hon. Cynthia P. Smith

Action Filed: October 13, 2023

Trial Date: None Set

1 Defendant Foley Family Wines, Inc. ("FF Wines"), hereby answers and pleads in response
2 to the complaint filed by Plaintiff Ignacio Gonzalez, on his own behalf (the "Complaint"), as
3 follows:

4 1. Pursuant to California Code of Civil Procedure section 431.30(d), FF Wines
5 generally and specifically denies each and every allegation in the Complaint.

6 2. FF Wines generally and specifically denies that Plaintiff has any claims for or
7 entitlement to the requested relief and further denies that he has suffered or will suffer any damage,
8 loss, or injury, by reason of any act or omission by FF Wines.

9 3. Without admitting any of the facts alleged in the Complaint or assuming the burden
10 of persuasion as to any affirmative defense set forth herein, FF Wines also pleads the following
11 separate and affirmative defenses to the Complaint:

12 **AFFIRMATIVE DEFENSES**

13 **FIRST AFFIRMATIVE DEFENSE**

14 1. The Complaint, and each purported cause of action asserted in the Complaint, fails
15 in whole or in part to state facts sufficient to constitute any claim against.

16 **SECOND AFFIRMATIVE DEFENSE**

17 2. The applicable statute(s) of limitation bar Plaintiff's claims in whole or in part.

18 **THIRD AFFIRMATIVE DEFENSE**

19 3. Plaintiff's failure to exhaust available and necessary internal and/or administrative
20 remedies bar his claims in whole or in part.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 4. The doctrine of avoidable consequences bars in whole or in part the Complaint and
23 each purported claim asserted therein to the extent that Plaintiff could have corrected any alleged
24 errors in wage payments or alleged failure(s) to timely provide meal periods and/or rest breaks by
25 reporting those alleged issues so that FF Wines could promptly correct such issues, but Plaintiff
26 failed to do so.

FIFTH AFFIRMATIVE DEFENSE

5. Plaintiff's claims for alleged failure to provide meal periods and rest breaks in accordance with California law fails to the extent that FF Wines timely provided Plaintiff a full and fair opportunity to take meal periods and rest breaks and Plaintiff elected not to timely take all meal periods and rest breaks provided.

SIXTH AFFIRMATIVE DEFENSE

6. To the extent that FF Wines failed to timely pay Plaintiff any amounts purportedly owed there existed a good faith dispute about the obligation to make such payment(s) and such dispute precludes the award of penalties.

SEVENTH AFFIRMATIVE DEFENSE

7. The doctrine of consent bars Plaintiff's claims in whole or in part.

EIGHTH AFFIRMATIVE DEFENSE

8. The doctrine of laches bars Plaintiff's claims in whole or in part.

NINTH AFFIRMATIVE DEFENSE

9. Plaintiff has waived in whole or in part any right to any recovery through the purported claims asserted in the Complaint.

TENTH AFFIRMATIVE DEFENSE

10. The doctrine of estoppel bars Plaintiff's claims in whole or in part.

ELEVENTH AFFIRMATIVE DEFENSE

11. The doctrine of unclean hands bars Plaintiff's claims in whole or in part.

TWELTH AFFIRMATIVE DEFENSE

12. Plaintiff has failed to mitigate or reasonably attempt to mitigate his damages, if any, as required by law.

THIRTEENTH AFFIRMATIVE DEFENSE

13. Plaintiff should not recover any punitive damages, and the Court should strike any allegations in support of a claim for punitive damages, because California's laws regarding the acts and omissions alleged are too vague to permit the imposition of punitive damages, and because any award of punitive damages in this action would violate FF Wines' constitutional rights under the

1 due process clauses of Article 1 of the California Constitution, the Fifth and Fourteenth
2 Amendments to the United States Constitution, and the excessive fines and cruel and unusual
3 punishment clauses of the Eighth Amendment to the United States Constitution, as well as other
4 provisions of the United States Constitution and California Constitution.

5 **PRAYER**

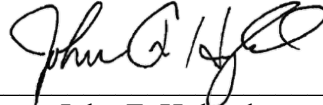
6 WHEREFORE, FF Wines prays for judgment as follows:

- 7 1. That Plaintiff take nothing by way of his Complaint;
- 8 2. That the Court dismiss the Complaint in its entirety and with prejudice;
- 9 3. That the Court award FF Wines attorneys' fees and costs incurred in defending this
10 case; and
- 11 4. That the Court award FF Wines such other and further relief as the Court deems just
12 and proper.

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14 Dated: November 9, 2023

Rukin Hyland & Riggin LLP

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16 By: _____


John F. Hyland

17 Attorney for Defendant
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